

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

ROBERT MENKEN,

Petitioner,

Case Number: 2:08-CV-10556

v.

HON. MARIANNE O. BATTANI

PEOPLE OF THE STATE OF MICHIGAN,

Respondent.

ORDER OF SUMMARY DISMISSAL WITHOUT PREJUDICE

Petitioner Robert Menken is currently in federal custody. He has filed a “Motion Under Writ of Habeas Corpus, Under Federal Removal Act 1446(A) through (E) Subsection 1446(A) through (F).” Because the Court cannot discern the conviction Petitioner challenges or the grounds on which he seeks habeas corpus relief, the Court shall summarily dismiss the petition.

Rule 4, Rules Governing Section 2254 Cases, provides that a district court may enter an order for the summary dismissal of a habeas corpus petitioner “[i]f it plainly appears from the face of the petition and any exhibits annexed to it that the petitioner is not entitled to relief in the district court. . . .” A petition may be summarily dismissed where the allegations are so “vague (or) conclusory” that they do not “point to a real possibility of constitutional error.” Blackledge v. Allison, 431 U.S. 63, 76 (1977) (internal citations omitted).

The petition filed in this case consists of the following two sentences: “Now here comes the Plaintiff, and asking the court for a Motion under Writ of Habeas Corpus, under Federal Removal Act 1446, Title 28 Section 1441 (A) thru (E) subsection 1446 (A) thru (F). Furthermore, the Plaintiff is NOT requesting a 1983 Action.”

Petitioner fails to identify the conviction pursuant to which he is allegedly unconstitutionally held in custody or the court in which his conviction was obtained. Based upon these vague statements, the Court cannot determine the grounds upon which Petitioner seeks habeas corpus relief.

The Court, therefore, **DISMISSES WITHOUT PREJUDICE** the petition for a writ of habeas corpus.

SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

DATED: February 22, 2008